

REMARKS

Claims 1-15 and 17-23 are all the claims presently pending in the application. Claims 1, 3-5, 14, and 20-22 are amended. Claim 16 is canceled. No new matter is added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Entry of this § 1.116 Amendment is proper. Since the Amendments above narrow the issues for appeal and since such features and their distinctions over the prior art of record were discussed earlier, such amendments do not raise a new issue requiring a further search and/or consideration by the Office. As such, entry of this Amendment is believed proper and Applicant earnestly solicits entry.

The contents of the present Office Action are addressed in the following discussion.

I. THE 35 U.S.C. § 112, SECOND PARAGRAPH REJECTIONS AND THE STATEMENT OF SUBSTANCE OF THE TELEPHONIC INTERVIEW

Claims 1-15 and 17-23 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite.

A. The Term “application type” and the Statement of Substance of the Telephonic Interview

At page 2, paragraphs 2(a)(i) and (ii) of the present Office Action, the Office alleges that claim 1, “[l]ine 9 recites ‘application type’ (sic) it is unclear what constitutes the application type. . . . Claims 5, 14, 21, and 22 have (sic) similar deficiency (sic) as of claim 1 above.” The Office further recites, on page 13, paragraph 31(i) of the Office Action, “[i]n (sic) response to applicant’s argument that the specification clearly provides support for ‘application type’ (sic) applicant is reminded (sic) although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).”

Since the above-referenced case law is not particularly applicable in support of 112, second paragraph rejections, Applicant contacted the Office via telephone on December 22, 2010 for

clarification of the Office's position. Applicant and Office discussed the "application type" rejection, but did not arrive at an agreement.

While Applicant respectfully disagrees with the Office and asserts that the above-referenced case law is not applicable to this rejection, to expedite prosecution, claims 1, 5, 14, 21, and 22 are amended to clarify "application type" and alleviate the Office's concerns.

Therefore, Applicant respectfully requests the Office to reconsider and withdraw this rejection.

B. "hybrid device has capability"

The Office alleges that the language "hybrid device has a capability" is indefinite. While Applicant disagrees, to expedite prosecution, claims 1, 5, 14, 21, and 22 are amended to replace the rejected claim language with "hybrid device is configured to", rendering this rejection moot.

Therefore, Applicant respectfully requests the Office to reconsider and withdraw this rejection.

II. THE PRIOR ART REJECTIONS

A. The Watanabe Reference

Claims 1-3, 5-11, 13-15, 17, and 21-23 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Watanabe et al. (U.S. Patent Publication No. 2002/0031328 A1).

Watanabe discloses a video recording/reproducing apparatus. (Watanabe at Abstract.) The Office alleges that Watanabe anticipates the independent claims.

Applicant respectfully disagrees. Specifically, the Office admits that Watanabe fails to teach or suggest a user interface method of a hybrid device, the hybrid device including a plurality of task-handlers corresponding to a common function key of an input unit, the task-handlers being controlled by operation of the common function key of the input unit, "the user interface method comprising . . . storing information regarding the changed priorities in the hybrid device according to an application type indicating whether the changed priorities are to be applied once, are to be applied permanently, or are to be set to a default setting", as recited, for example, in claim 1 and somewhat similarly in claims 5, 14, 21, and 22.

As a result, this rejection is unsupported by Watanabe, and, thus, should be withdrawn.

B. The Cottrell Reference

Claims 4, 12, and 18-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Watanabe in view of Cottrell (U.S. Patent Publication No. 2002/0005435 A1).

To make up for the above-referenced deficiencies of Watanabe, the Office applies Cottrell. Cottrell discloses an electronic device for regulating and controlling ambient parameters, such as ambient temperature. (Cottrell at Abstract.) The Office alleges that the combination of Watanabe and Cottrell makes the independent claims obvious.

However, one having ordinary skill in the art would not have combined Watanabe and Cottrell to teach or suggest the limitations of the independent claims. Specifically, Cottrell is directed to controlling heating and cooling in residential environments. Thus, Applicant respectfully submits that it would have been obvious to one having ordinary skill in the art that Cottrell is not analogous art.

Moreover, even assuming (arguendo) one having ordinary skill in the art would have combined Watanabe and Cottrell, the resultant combination fails to teach or suggest each and every limitation of the independent claims. Specifically, the alleged Watanabe and Cottrell combination fails to teach or suggest a user interface method of a hybrid device, the hybrid device including a plurality of task-handlers corresponding to a common function key of an input unit, the task-handlers being controlled by operation of the common function key of the input unit, *“the user interface method comprising . . . storing information regarding the changed priorities in the hybrid device according to an application type indicating whether the changed priorities are to be applied once, are to be applied permanently, or are to be set to a default setting”*, as recited, for example, in claim 1 and somewhat similarly in claims 5, 14, 21, and 22.

The Office alleges that the above-referenced limitation of the independent claims is taught by Cottrell solely on the basis of paragraph [0078], which states, “[b]y selecting the manual option from the default configuration (FIG. 5b), a sub-menu with three options is displayed, respectively “PERMANENT SETTING”, “TEMPORARY SETTING” and “HOLIDAY SETTING”. Cottrell then teaches the user making a selection regarding a temperature change as a result of the above-referenced setting selection and after the above-referenced setting selection is made. (Cottrell at paragraphs [0078]-[0083].) While the Office fails to explicitly state the priorities that are being

changed in Cottrell, Applicant respectfully assumes that a changing of temperature is being alleged by the Office to be equivalent to the changed priorities.

However, apart from the fact that Cottrell is clearly non-analogous art, even with the above-referenced assumption, Cottrell fails to make up for the previously referenced deficiencies of Watanabe with respect to the limitations of the independent claims. Specifically, Cottrell teaches, if at all, that the implementation of the “PERMANENT SETTING”, “TEMPORARY SETTING”, and “HOLIDAY SETTING” actually occurs before a temperature setting is modified. Thus, the modification of a temperature change occurs as a result of the implementation of the “PERMANENT SETTING”, “TEMPORARY SETTING”, and “HOLIDAY SETTING”.

On the contrary, as is noted in the above-referenced recitation of independent claim 1, the changed priorities are established prior the storing of information according to the application type. Further, in the other independent claims, changed priorities are stored according to the application type and not simply as a result of the implementation of the “PERMANENT SETTING”, “TEMPORARY SETTING” and “HOLIDAY SETTING” taught in Cottrell.

In view of the above, even in spite of the attempt to modify Watanabe through the application of Cottrell, the Office fails to meet the initial burden of establishing obviousness. As a result, a *prima facie* case of obviousness is not established. Thus, since the Office fails to meet the initial burden of establishing a *prima facie* case of obviousness, the burden to establish patentability is not shifted to Applicant.

Therefore, Applicant respectfully requests the Office to reconsider and withdraw this rejection.

III. CONCLUSION

In view of the foregoing, Applicant submits that claims 1-15 and 17-23, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Office is respectfully requested to pass the above application to issue at the earliest possible time.

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(1101.0167)

Should the Office find the application to be other than in condition for allowance, the Office is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Respectfully Submitted,



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